

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE GARCIA,

Plaintiff,

v.

PENNSYLVANIA STATE POLICE,
TROOPER KEVIN P. HIBSON, Individually and in
His Official Capacity as a Pennsylvania State
Trooper, Dublin Station and
TROOPER WILLIAM MCDERMOTT,
Individually and in His Official Capacity as a
Pennsylvania State Trooper, Dublin Station,
Defendants.

CIVIL ACTION

NO. 11-4073

ORDER

AND NOW, this 14th day of October, 2011, upon consideration of Defendants' Partial Motion to Dismiss (Dkt. No. 3), filed on July 29, 2011 and Plaintiff's Response (Dkt. No. 5) filed on August 23, 2011,

IT IS ORDERED that Defendants' Motion is **GRANTED** as to all claims against Defendant Pennsylvania State Police, Count I against Trooper Hibson and Trooper McDermott in their Official Capacities and as to all claims in Counts II and III;

IT IS ORDERED that Defendants' Motion is **DENIED** as to Count I against Trooper Hibson and Trooper McDermott in their Individual Capacities and as to Count IV.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN

United States Magistrate Judge